

**MICHIGAN STATE POLICE
CRIMINAL JUSTICE INFORMATION CENTER
PO BOX 30634, LANSING MI 48909**

COURT DISPOSITION ISSUES

6-10-2008
Revised 8-2010
Page 1 of 6

Frequent Issues Regarding Court Disposition Reporting to MSP

Fingerprints

Before a defendant appears in court, a LEIN QUERY should be conducted to insure that the arrest fingerprints have been taken for any offense with a maximum incarceration penalty greater than 92 days. If the arrest segment is not in LEIN, the court should enter an Order for Fingerprints (MC 233). Without arrest fingerprints, the final court disposition will not appear on the Criminal History Record.

Personal Protection Orders (PPO)

If a defendant is convicted of violating a PPO, fingerprints must be on file for the conviction to appear on CHR. The disposition should be submitted by using the CTN number if issued by the prosecutor or the TCN/OCA submitted by the live scan agency.

PPO Violations-Contempt of Court

MCL 28.243 describes the offenses for which fingerprints must be taken. Those include felonies, misdemeanors punishable by more than 92 days imprisonment, and criminal contempt under MCLs 600.2950, 2950a, and 2950i (PPO violations).

While it could be argued that criminal contempt under MCL 600.1715 is a misdemeanor (as defined in MCL 761.1), it appears that the legislature intended to exclude such violations from fingerprint requirements as they expressly included "PPO contempt" while choosing not to list other forms of contempt.

Contempt on an underlying criminal or civil case other than a PPO Violation is not a new charge and should not be entered as a new count on a case, does not require fingerprints, and cannot be reported to MSP.

Dispositions of Misdemeanors/Ordinance Violations

When a charge was not initiated with a CTN, transmit misdemeanor and ordinance dispositions to MSP by using the TCN/OCA issued by the live scan agency. Include the PACC CODE that substantially corresponds to the violation.

It is the court's responsibility to include the corresponding state PACC Code. This will ensure to CJIC that the ordinance violation is in compliance to MCL 28.243. These cases will reflect as ordinances in the judicial segment of the criminal history rap sheet. If you need assistance in determining the correct state PACC Code or need an updated list of PACC Codes, please contact the Prosecuting Attorneys Coordinating Council/Prosecuting Attorneys Association of Michigan (PACC/PAAM) at (517) 334-6060.

Ordinances that do not substantially correspond to a state statute are not reportable to the Michigan State Police (MSP).

The court may mail a copy of the judgment to the address listed below;
Attention, Record Processing.
Fax to (517) 241-0866
or e-mail to MSP-CRD-Judicial@michigan.gov stating in the subject line "NO CORRESPONDING STATE PACC CODE."

Please include the Tracking Control Number (TCN), Originating Agency Case Number (OCA), and final charge (literal) on documents.

MCL 771.1 Delayed Sentence

Revised 1-14-2009

Transmit (EJUD) the adjudication of guilt (plea taken) and any conditions of the delay such as probation and monetary assessments to MSP. The court may include in the sentencing remarks, "sentence delayed until (date)". *Do not* include any sentence terms.

When the probation period is completed, update the CCH using your MJUD screen enter the sentence terms in the court sentence remarks field if the delayed sentence was unsuccessful.

Refer to the SCAO chart Deferred Judgment of Guilt and Delayed Sentence for Adult Offenders; Comparison of Processing for further information. www.courts.michigan.gov/

District Court Bind Over to Circuit (BOC)

When transmitting an EJUD of BOC to MSP, the system now has the ability to accept all counts.

Example:

Count 1- Dismissed at District, Count 2- BOC, Count 3-BOC, count 4- District Conviction.

Paper Dispositions

DO NOT submit paper dispositions to MSP when a disposition has been transmitted electronically.

Paper Disposition Exceptions:

- MC 235- Motion and Order For Destruction of Fingerprints and Arrest Card
- MC 228- Order on Application to Set Aside Conviction
- JC 66- Order to Set Aside Adjudication

- When a defendant is convicted of multiple counts and one of the counts is deferred under a non-public file, such as MCL 333.7411, and convicted or dismissed on other counts, the court dispositions all counts to MSP, Enter Judicial (EJUD). When the probation period has been completed, take the following measures:
 - If probation was unsuccessful and the deferred statute was revoked, modify the Court Disposition Code (CDC) to the plea taken for that count.

 - If probation was successfully completed you may select one of two options:
 - Cancel Judicial (CJUD) only on convicted count/s (CCN) entered. Modify Judicial (MJUD) deferred statute count to the appropriate dismissal statute court disposition code (CDC) to update the incident record to a *non-public* status. *OR*
 - CJUD all counts (yes). Now EJUD the non-public record to the appropriate dismissal statute code to update the incident to a *non-public* status.

Send a copy of the convicted counts to MSP CJIC

or FAX to: (517) 241-0866

At this time MSP will create an incident on the Criminal History Record to reflect the final disposition for the convicted counts. Make note on which count was placed in a non-public status.

Non-Public Records

Before being placed in accordance with the following statutes, query the criminal history record by using purpose code C. Any non-public records are accessible only by using the specific purpose code in scan line 52 that is associated with the type of offense.

- MCL 333.7411 Controlled Substance (52:7411/)
- MCL 769.4a Domestic Assault (52:ABUSE/)
- MCL 750.350a Parental Kidnapping (52:KID/)
- MCL 750.430 Practicing Under the Influence (52:HEAL/)
- MCL 436.1703 Minor In Possession (52:MIP/)
- MCL 600.1070 Drug Treatment Court (52:DTCT/)
- MCL 780.623 Set Aside Conviction (52:CSA/)
- MCL 712A.18E Set Aside Adjudication (52:CSA/)

If there is a specified non public record on file for the individual, that single incident record having a matching court disposition is provided for your review.

A “No Record” response will be received when there is no matching disposition on file for the defendant.

Additional Non-Public Record

Drug Treatment Court- Dismissed under MCL 600.1070.

Please mail only the following form (MC 245) to MSP until further notice. Courts are unable to electronically submit to MSP.

A conflict between state and federal requirements exists regarding the reporting of deferred judgment of guilt and a subsequent conviction or discharge and dismissal of cases under MCL 600.1070, Drug

Treatment Court. Refer to the SCAO chart Deferred Judgment of Guilt and Delayed Sentence for Adult Offenders; Comparison of Processing for further information.

SPECIAL ATTENTION-Deferred Status Cases

Reminder- When Entering a Judicial (EJUD) court disposition electronically to MPS with a deferred status such as:

Deferred 7411, Deferred Spouse, Deferred HYTA, Deferred MIP, Deferred Parental Kidnapping, and Deferred Lic Health Care, transmit a Modify Judicial (MJUD) when probation period has been completed to update the incident to either the non public status code if probation was successful or if in violation and deferred status revoked, enter plea taken to reflect a public record.

Open Case Quarterly Report

As of November 14th, 2005, MSP has implemented its new reporting of a CHR (Criminal History Record). The Open Case Quarterly Report *has been discontinued* until all updated enhancements have been completed.

You may request an "Open Case Report".
Please e-mail request to: sandbord@michigan.gov
Include your court ORI and the year(s) you'd like to review.

Partial Cases

Reminder: Cases that have been partially dismissed or nolle prosequi should not be transmitted to MSP *until all counts* on the case have been dispositioned.

OLD CASES

A court disposition that you are unable to electronically update on CHR, please e-mail information to: MSP-CRD-JUDICIAL@michigan.gov or FAX to: (517) 241-0866.
Include subjects name, date of birth, arrest date, CTN and charge (if state case) court case number, sentence date, final charge (pacc code) and sentence information.

Electronic Disposition Questions

Any questions or concerns with submissions of your electronically transmitted court dispositions, please contact Diane Sandborn at (517) 241-0785, fax (517) 241-9596 or e-mail, sandbord@michigan.gov

To request a copy of the "Automated Court Reject Resolution Guide" please e-mail at:
sandbord@michigan.gov

Prosecutor's Re-Issuing of Warrants

Due to processing problems caused when warrants are dismissed and then re-issued, the "Criminal History Workgroup" consisting of: MSP/CJIC, Court personnel, and the Prosecuting Attorneys Coordinating Council (PACC) have made the following recommendation:

The prosecutor's office should assign a new Criminal Tracking Number (CTN) to the re-issued warrant. If the arrest/incident is not on the CHR, the court needs to do an "Order for Fingerprints" (MC-233).
A new arrest incident is to be submitted to MSP by the arresting agency.

Questions concerning prosecutor warrant re-issuing may be directed to:

Ms. Diane Sandborn at:

(517) 241-0785 sandbord@michigan.gov

Ms. Paula Campbell at:

(517) 241-0623 campbepa@michigan.gov

Set Aside Conviction/Adjudication

MSP is experiencing an increase of applications. When scheduling a court date for a hearing regarding a set aside conviction, please allow 90 to 120 days for MSP to respond to the court with a copy of the defendant's criminal history.

MCL 780.621(5) prohibits the court from acting on an Application to Set Aside Conviction until after the report is received by the court.

- Application On Set Aside Conviction (MCL 750.621) Court Form- MC 227
- Application On Set Aside Adjudication (MCL 712A.18E) Court Form- JC 66

Mail a copy of the final order to set aside a conviction (granted or denied) on the approved form to MSP and MDOC. The court cannot enter this order electronically.

- Order On Application To Set Aside Conviction, MC 228
- Order On Application To Set Aside Adjudication, JC 66

If there are any questions or concerns regarding Set Aside issues, please contact Bobbie Vroman, Michigan State Police, CJIC (517) 241-0812, fax (517) 241-0866 or e-mail vromanba@michigan.gov